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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,996	06/08/2001	Marten Rignell	032927-007	8348

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Ronald L. Grudziecki  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, VA 22313-1404

EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 02/27/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/875,996

Applicant(s)

RIGNELL ET AL.

Examiner

Md S Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed 12/10/03. Claims 1-17 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 12/10/03 have been fully considered but they are not persuasive.

Regarding claim 1, The Applicant argues on page 9, lines 1-3 that Arinell does not disclose the step of "generating a support request at said mobile unit". The examiner disagrees with this argument. Because, the Arinell teaches that the terminal owner obtains the information concerning the problem he is experiencing from the network operator (col.3, lines 33-37) and obtains help from the network operator to correct the problem (col.3, line 37). Therefore, it is very clear that the terminal owner is inherently making a help request to the network operator in order to correct the problem. Thus the rejection of the claim in view of Arinell remain.

Regarding claims 7 and 14, it is agreed that "Hick is not prior art with respect to the present application" with respect to the applicant's argument on page 11, lines 15-21. Thus a new ground of rejection in view of Arinell and Stedman et al. for claims 7 and 14 is applied below.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5, 6, 8-10, 12, 13, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Arinell (U.S. Patent No. 5,694,451).

Regarding claims 1 and 8, Arinell teaches generating inherently a help (i.e., support) request at the mobile unit (fig.1; col.3, lines 33-56). Because, the terminal owner is experiencing problems.

Arinell further teaches sending a help (i.e., support) message to an operation and maintenance system (O&M) (i.e., remote support location) on the basis of the help request, the help message relating to one or more problems (fig.1; col.3, lines 33-56).

Arinell further teaches receiving the help (i.e., support) message at the operation and maintenance system (O&M) (i.e., remote support location) (fig.1; col.3, lines 33-56).

Arinell further teaches generating help (i.e., support) information enabling solving of the one or more problems at least partially (fig.1; col.3, lines 33-56).

Arinell further teaches providing the help (i.e., support) information at the mobile unit (fig.1; col.3, lines 33-56).

Regarding claims 2 and 9, Arinell teaches a subscriber (i.e., user) action (fig.1; col.3, lines 33-56).

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Arinell further teaches any internal event like a timer event, an error event, etc., or a status check performed at a regular time interval (abstract; col.3, lines 33-56).

Arinell further teaches that a message is received from the operation and maintenance system (O&M) (i.e., remote support location) (fig.1; col.3, lines 33-56).

Regarding claims 3, 10 and 16, Arinell teaches that the help (i.e., support) information is provided to the mobile unit by sending a message containing help (i.e., update and/or support) information enabling the mobile unit to perform an automatic update of the settings thereby correcting the one or more problems (abstract; fig.1; col.3, lines 33-56).

Regarding claims 5 and 12, Arinell teaches that the support information comprises information regarding/representing one or more of the one or more unit settings/parameters, unit identification, status of the mobile unit, an internal state of the mobile unit, at least one error code, at least one version number of software, hardware, firmware, etc. in the mobile communications unit, which hardware/physical/functional units/modules that are or have been connected with the mobile unit, or other relevant information (abstract; col.2, lines 50-67).

Regarding claims 6 and 13, Arinell teaches that the mobile unit is a mobile phone (fig.1; col.3, lines 33-56).

Regarding claim 15 is rejected for the same reasons as discussed above with respect to claims 1 and 3.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arinell (U.S. Patent No. 5,694,451) and in view of Peltonen (U.S. Patent No. 6,393,274).

Regarding claims 4, 11 and 17, Arinell fails to teach "said support information is comprised in an SMS message". Peltonen teaches that the the support information is comprised in an SMS message (col.7, lines 64-67, col.8, lines 1-9). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arinell to allow the support information being comprised in an SMS message as taught by Peltonen. The motivation for the modification is to down load the possible APS functions in the mobile unit.

7. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arinell (U.S. Patent No. 5,694,451) and in view of Stedman et al. (U.S. Patent No. 6,539,499).

Regarding claims 7 and 14, Arinell fails to teach "said sending of said support message to said remote support location is based on contact information relating to a phone number or an IP address, and that said contact information is one or more of the following stored in the mobile unit, stored on a SIM card, entered by a user, or a part of said message received from said remote support location". Stedman teaches that the sending of the support message to the remote support location is based on contact information relating to a phone number or an IP address, and that the contact information

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is one or more of the following stored in the mobile unit, stored on a SIM card, entered by a user, or a part of said message received from said remote support location (abstract; fig.3; col.6, lines 21-39). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arinell to allow the sending of the support message to the remote support location is based on contact information relating to a phone number or an IP address, and that the contact information is one or more of the following stored in the mobile unit, stored on a SIM card, entered by a user, or a part of the message received from the remote support location as taught by Stedman. The motivation for the modification is have doing so in order to provide the technical support to the mobile user.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pinard et al. (U.S. Patent 6,230,287) teach Web based help desk. Hamrick et al. (U.S. Patent 6,356,841) teach G.P.S. management system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M. F.

MD SHAFIUL ALAM ELAHEE

February 21, 2004

FAN TSANG  
SUPERVISOR/EXAMINER  
TECHNICAL CENTER 2600

